

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

)
BRYANT BUESCHER, CLARENCE)
IANNINE, CLARESSA WALLACE, and)
CRAIG COOK, individually and on behalf)
of all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
BRENNNTAG NORTH AMERICA, INC,)
BOARD OF DIRECTORS OF BRENNNTAG)
NORTH AMERICA, INC., and)
BRENNNTAG INVESTMENT AND)
OVERSIGHT COMMITTEE,)
Defendants.)
)

CIVIL ACTION NO.:
5:20-cv-00147-JMG

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT, PRELIMINARY CERTIFICATION OF
SETTLEMENT CLASS, APPROVAL OF CLASS NOTICE, AND SCHEDULING
OF A FAIRNESS HEARING**

Plaintiffs Bryant Buescher, Clarence Iannine, Claressa Wallace, and Craig Cook, (collectively “Plaintiffs”), participants in the Brenntag USA Profit Sharing Plan (the “Plan”), respectfully submit this Unopposed Motion for Preliminary Approval of the Class Action Settlement, Preliminary Certification of Settlement Class, Approval of Class Notice, and Scheduling of a Fairness Hearing (“Motion for Preliminary Approval”) and respectfully move this Court for an Order (1) granting preliminary approval to the proposed Settlement Agreement entered into with Defendants¹ (the “Settlement” or “Settlement Agreement”), (2) preliminarily certifying the Settlement Class, (3) approving the form and manner of providing notice of the

¹ “Defendants” refers, collectively, to Brenntag North America, Inc. (“Brenntag”), Board of Directors of Brenntag (“Board”), and Brenntag Investment and Oversight Committee (“Committee”) (collectively, the “Defendants”)

Settlement to the proposed Settlement Class (the “Notice Plan”), and (4) scheduling a Fairness Hearing. In support of this unopposed motion, Plaintiffs have submitted a declaration and memorandum of law contemporaneously.

For the reasons set forth in the accompanying memorandum of law, Plaintiffs submit that the proposed Settlement is fair, reasonable, and adequate. Additionally, the proposed Settlement Class satisfies the requirements of Federal Rule of Civil Procedure 23(a) and (b)(1), thereby warranting preliminary certification for the purposes of this Settlement. Moreover, the Notice Plan satisfies the requirements of due process and is consistent with that used in analogous actions. Accordingly, Plaintiffs respectfully submit that preliminary approval of the Settlement should be granted, the Settlement Class should be preliminarily certified, the Notice Plan should be approved, and a Fairness Hearing should be scheduled.

A Proposed Order is submitted hereto.

DATED: September 21, 2020

Respectfully submitted,

/s/ Mark K. Gyandoh

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Class Counsel

CERTIFICATE OF SERVICE

I certify that, on September 21, 2020, I caused the foregoing Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, Approval of Class Notice, and Scheduling of a Fairness Hearing to be filed with the Clerk of the Court via the CM/ECF system, which will deliver notification of filing to all counsel of record.

/s/ Mark K. Gyandoh
Mark K. Gyandoh, Esquire